

Serial No. 09/517,113
Amtd. dated December 30, 2003
Reply to Office Action of March 30, 2004

Attorney Docket No. PT03216U

REMARKS/ARGUMENTS

Claims 1, 4 through 7, 9 through 12 and 16 remain in this application. Claim 11 has been amended.

Claims 1, 4 through 7, 11 and 12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The above Office Action states that, in claim 1, line 11, "the at least one instability generator" lacks a clear antecedent basis, and it is not clear whether "at least one instability generator" of line 17 refers to "the at least one instability generator" of line 11.

Applicant hereby traverses the rejection of claim 1. In particular, claim 1, line 11, as presented, does not include the language "the at least one instability generator". Although claim 1, line 11, previously included this language, it was deleted by the amendment of November 25, 2003. Accordingly, the above rejection of claim 1 is considered to be moot.

The above Office Action also states that, in claim 11, line 14, "the at least one instability generator" lacks a clear antecedent basis, and it is not clear whether "at least one instability generator" of line 22 refers to "the at least one instability generator" of line 17. In response, Applicant hereby amends claim 11 to move the page 17 language about "the at least one instability generator" so that it is positioned after the page 22 language about "at least one instability generator". Therefore, claim 11 as amended is sufficiently definite in accordance with 35 U.S.C. §112, second paragraph.

Claims 4, 5, 7 and 12 depend from and include all limitations of independent claims 1 and 11 as amended. Therefore, claims 4, 5, 7 and 12 are in condition for allowance for the

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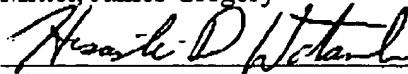
reasons stated above for amended claims 1 and 11. In view of the above, reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claim 1, 4 through 7, 9 through 12 and 16 are respectfully requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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 03/30/04
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